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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA**

Sean Bennett,

Plaintiff,

v.

City of Phoenix, et al.,

Defendants.

No. CV 23-02425-PHX-ROS (DMF)

**ORDER**

On August 11, 2023, Plaintiff Sean Bennett, who is not in custody, filed through counsel a Complaint in Maricopa County Superior Court. Defendants were served between October 31 and November 2, 2023, and, on November 20, 2023 timely removed the matter to this Court and paid the filing fee. Defendants have also filed a Motion to Dismiss (Doc. 8), to which Plaintiff has sought an extension of time to respond (Doc. 11).

A defendant may remove any civil action brought in state court over which the federal court would have original jurisdiction. 28 U.S.C. §1441(a). That is, a civil action that could have originally been brought in federal court may be removed from state to federal court. *Caterpillar Inc. v. Williams*, 482 U.S. 386, 392 (1987). A federal court has original jurisdiction “of all civil actions arising under the Constitution, laws, or treaties of the United States.” 28 U.S.C. § 1331.

The Complaint in this case facially supports the existence of federal subject matter jurisdiction because Plaintiff alleges violations of his federal Constitutional rights. 28 U.S.C. § 1441(a). Further, the case was timely removed, and all served Defendants indicate

1 that they consent to removal. 28 U.S.C. § 1446(b). Accordingly, the Court will accept  
2 jurisdiction over this matter.

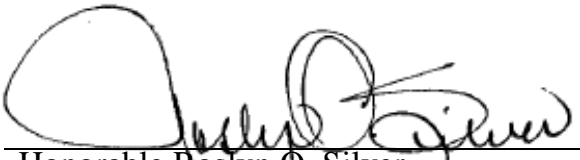
3 The Court will grant Plaintiff's Motion for Extension of Time, and refer this matter  
4 to Magistrate Judge Deborah M. Fine for pretrial proceedings.<sup>1</sup>

5 **IT IS ORDERED:**

6 (1) Plaintiff's Motion for Extension of Time (Doc. 11) is **granted**. Plaintiff shall  
7 respond to the Motion to Dismiss no later than December 19, 2023. Defendants may reply  
8 in support of their Motion to Dismiss no later than January 9, 2024.

9 (2) This matter is referred to Magistrate Judge Deborah M. Fine pursuant to  
10 Rules 72.1 and 72.2 of the Local Rules of Civil Procedure for all pretrial proceedings as  
11 authorized under 28 U.S.C. § 636(b)(1) and is assigned to the **standard track** pursuant to  
12 Rule 16.2(b)(3) of the Local Rules of Civil Procedure.

13 Dated this 5th day of December, 2023.

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Honorable Roslyn O. Silver  
Senior United States District Judge

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<sup>1</sup> Because Plaintiff is neither a "prisoner" nor proceeding in forma pauperis, the Court has no authority to screen the Complaint pursuant to either 28 U.S.C. § 1915(e)(2) or 28 U.S.C. § 1915A.